

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

RSW920010161US1

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on _____

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Application Number

09/943,562

Filed

08/30/2001

First Named Inventor

Ronald P. Doyle

Art Unit

2151

Examiner

Kamal B. Divecha

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Thomas E. Lees/

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Signature

Thomas E. Lees

Typed or printed name

☐ attorney or agent of record.

Registration number _____

937/438-6848

Telephone number

☒ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 46,867

August 13, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/943,562
Applicant : Doyle et al.
Filed : August 30, 2001
Title : EFFICIENTLY SERVING LARGE OBJECTS
IN A DISTRIBUTED COMPUTING NETWORK
Docket No. : RSW920010161US1
Examiner : K. Divecha
Art Unit : 2151
Confirm No. : 2522

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

This paper is submitted with the applicants' Notice of Appeal and Pre-Appeal Brief Request for Review in response to the Office action made Final mailed May 14, 2007.

Status of the Application

Claims 45, 46, 48-79, 82-98 and 103-104 are pending in this application. Claims 45, 46, 48, 49, 51-79, 82-98, 103 and 104 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,173,322 B1 to *Hu* (hereinafter, *Hu* '322) in view of U.S. Patent No. 6,535,518 B1 to *Hu et al.* (hereinafter, *Hu* '518) in further view of *Fielding et al.* RFC 2068 HTTP/1.1 (hereinafter, '*Fielding*'). Claim 50 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Hu* '322 in view of *Hu* '518, *Fielding* and in further view of U.S. Pat. No. 6,658,463 to *Dillon* (hereinafter, '*Dillon*'). Currently, claims 45, 74, 82, 86, 87 and 96 are in independent form.

Arguments

The Art of Record Fails to Establish a *Prima Facie* Case of Obviousness Under 35 U.S.C. §103(a)

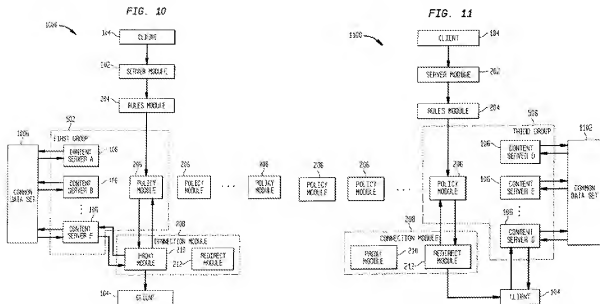
With regard to claim 45, the references, even when combined, fail to teach or suggest:

A method of serving objects in a computing network... comprising ... receiving a request from a sender for an object stored on an intelligent storage system, the request being received by a web server, and the intelligent storage system comprising a control unit configured to determine a mapping for the requested object to a location on an associated storage device...

Moreover, the references fail to teach or suggest:

...returning a response message from the web server to the sender if at least one predetermined criterion is met, wherein the response message includes a location of the object on the associated storage device of the intelligent storage system and serving the stored object from the intelligent storage system to the sender via the web server if the at least one predetermined criterion is not met.

Hu '322 teaches in relevant part, a network request manager 102 that handles client requests directed to a web site. The network request manager 102 acts as an intermediary between a client 104 and one or more content servers 106 and services the client in either a proxy mode or a redirect mode. In *proxy mode* (shown in Fig. 10, below), the network request manager acts on behalf of the client by forwarding client requests to the selected content server for servicing and by returning the results from the selected content server to the client. In *redirect mode* (shown in Fig. 11, below), the network request manager returns a web site address of the selected content server 106, or other suitable information to the client. Using this information, the client 104 re-transmits the client request to the identified content server 106 and receives the results directly from that selected content server.



As can be seen, regardless of whether operating in proxy or redirect mode, either the client or the network request manager communicates with a content server. That selected content server then interacts with the associated data set (see common data set 1006/1102) to retrieve the data. However, *Hu '322* is silent with regard to, and fails to teach or suggest that a requested object resides on an

intelligent storage system comprising a control unit configured to determine a mapping for the requested object to a location on an associated storage device...

In *Hu* '518 teaches in relevant part, a network switch that decodes object requests and forwards such requests either to a server for further processing or to a storage device in accordance with the nature of the transfer. The decoding operation is performed by the switch at a high protocol layer before the packet reaches a server in order to enable server bypass for storage oriented requests needing no processing by a server, as seen in Fig. 9, reproduced below.

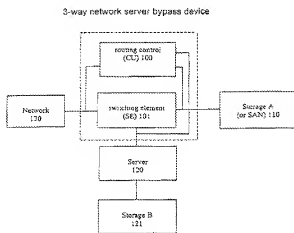


Figure 9 Top Level Function Diagram

Thus, in *Hu* '518, if the request is for an object, it is never received by the web server by the very virtue of the invention. *Fielding* is merely a published document that identifies a standard HTTP redirect and is not relevant to the above claim recitation.

As discussed above, in *Hu* '322, if operating in redirect mode, a response message is returned to the client with an address of a specific content server 106 that will itself fetch the desired object from the storage 1006/1102, thus the location of an object is never revealed to the client, regardless of whether operating in proxy or redirect mode. There is no teaching or suggest in *Hu* '322 of returning to the client a response message with a location of a desired object. For example, there is no teaching that a client can directly address the storage 1006/1102 to fetch an object. Moreover, even the network request manager in proxy mode must obtain objects from the selected content servers 106, which interacts with the storage 1006/1102 to obtain objects.

In *Hu* '518, as noted above, a network switch intercepts a packet before it even reaches a web server so that the web server only sees processing/execution types of requests. Data requests intentionally bypass the server. There is no teaching or suggest of the web server returning to the client, information on how to access data stored, e.g., in the disclosed SAN storage. Again, *Fielding* is merely a published document that identifies a standard HTTP redirect and is not relevant to the above claim recitation.

In view of the clarifying comments herein, the applicants respectfully request that the rejections of claim 45 and the claims that depend there from be withdrawn. Claims 82 and 87 recite similar recitations, and as such, the arguments above apply by analogy. As such, the applicants respectfully request that the rejections to claims 82 and 92 and the claims that depend therefrom, be withdrawn. With regard to the rejection of claim 50, applicants assert that claim 50 is dependent upon claim 45 and is thus patentable by virtue of being dependent upon a base claim that the applicants believe to be patentable as set out more fully herein.

With regard to claim 74, the references, even when combined fail to teach or suggest:

A method of creating a link to an object ... comprising ... receiving a request for a particular object that is stored in an intelligent storage system ... retrieving a redirect file that instructs a web server receiving the request to return a response message including the location of the requested object on the associated storage device of the intelligent storage system if at least one evaluated characteristic of the particular object is satisfied, the response message being configured to redirect the request to the control unit of the intelligent storage system... and locating an object serving link that is utilized by the web server receiving the request to obtain the object from the intelligent storage system and return the object in response to the request if the evaluated at least one characteristic of the particular object is not satisfied.

Hu '322 is completely silent with regard to, and fails to teach or suggest an intelligent storage system. Moreover, *Hu* '322 is completely silent with regard to, and fails to teach or suggest using a redirect file to return a response message including the location of the requested object on an associated storage device of the intelligent storage system at all. For example, nowhere does *Hu* '322 teach directing a client directly into the storage 1006/1102.

As noted in greater detail herein, *Hu '518*, explicitly *teaches away* from receiving requests for objects at the web server. Rather, as noted above, a network switch snoops packets, and routes the packet either to a web server for application processing, or to a SAN for data processing. As such, the web server does not see requests for objects. Moreover, *Hu '518*, is silent with regard to, and fails to teach or suggest that the web server uses a redirect file to return a response message including the location of the requested object on an associated storage device of the intelligent storage system at all.

Fielding relates to the use of the standard HTTP redirect command. However, *Fielding* is completely silent with regard to, and fails to teach or suggest receiving requests for objects at a web server, where the object is stored on an intelligent storage system. Intelligent storage systems are not even addressed in the *Fielding*. As such, there is no teaching or suggestion that the web server uses a redirect file to return a response message including the location of the requested object on an associated storage device of the intelligent storage system at all.

In view of the clarifying comments herein, the applicants respectfully request that the rejections of claim 74 and the claims that depend there from be withdrawn. Claims 86 and 96 recite similar recitations, and as such, the arguments above apply by analogy. As such, the applicants respectfully request that the rejections to claims 86 and 96 and the claims that depend there from, be withdrawn.

Conclusion

No *prima facie* case of obviousness has been established for any of the pending claims as set out more fully herein. As such, the applicants respectfully request allowance of the pending claims.

Respectfully submitted,
Stevens & Showalter, L.L.P.

By /Thomas E. Lees/

Thomas E. Lees Reg. No. 46,867

August 13, 2007